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|---|------------------------|---------------------|--|
| Examiner-Initiated Interview Summary | Application No. | Applicant(s) | |
| | 10/714,255 | BALLATORE ET AL. | |
| | Examiner | Art Unit | |
| | Rita J. Desai | 1625 | |

All Participants:

Status of Application: pending

(1) Rita J. Desai.

(3) _____.

(2) Ms. Antoinette Konski.

(4) _____.

Date of Interview: 4 May 2005

Time: _____

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No
 If Yes, provide a brief description: _____

Part I.

Rejection(s) discussed:

Claims discussed:

Prior art documents discussed:

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

Elected Group I, claims 17 and 18.

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

WRITTEN OPINION

International application No.

PCT/US02/14500

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 24-25 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6. Claim 24 is drawn to a method for treating a subject, but does not cite an objective of the treating, thereby rendering the claim indefinite. Claim 25 is drawn to a method of identifying potential therapeutic agents, but does not specify what the criteria are for a compound to qualify as a "therapeutic agent".

Claims 24-26 are objected to as lacking clarity under PCT Rule 66.2(a)(v) because the claimed invention is not fully supported by the description. The description does not disclose the claimed invention in a manner sufficiently clear and complete for the claimed invention to be carried out by a person skilled in the art.

In the description, data is presented which shows that the claimed compounds can inhibit growth of bacteria. Claim 24 encompasses treatment of any disease, including those caused by bacteria. Claim 25 encompasses any method of identifying a compound that can be used to treat a disease. All diseases would be encompassed, including those caused by bacteria. While it may be true that the claimed compounds are effective to inhibit growth of bacteria in vitro and in vivo, it does not necessarily follow the compounds will be effective to treat diseases caused by bacteria. The rate of proliferation of the bacteria might be reduced somewhat following administration of a claimed compound to an infected host, but if the population of the bacteria continues to increase, an effective treatment will not have been achieved. An efficacious therapy cannot be predicted on the basis of in vitro data. In addition, claim 24 encompasses treatment of diseases which are not caused by bacteria; similarly, claim 25 encompasses an identification of compounds which would be effective in the treatment of diseases which are not caused by bacteria. The description does not provide any guidance as to which other diseases can be effectively treated, or why a skilled medical practitioner would expect efficacy in the treatment of treatment of diseases which are not caused by bacteria. Accordingly, the description does not disclose the invention of claims 24-25 in a manner sufficiently clear and complete for the claimed invention to be carried out by a person skilled in the art.

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